MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2016/2017

UPU3622- PUBLIC & PRIVATE INTERNATIONAL LAW II

(All Sections/ Groups)

2 MARCH 2017

Reading Time: 2.30 p.m. – 2.45 p.m.
(15 Minutes)
Answering Time: 2.45 p.m. – 5.45 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 2 pages with 5 Questions only.

3. Attempt question 1 in Part A which is **compulsory** and any **THREE** out of **FOUR** questions in Part B. The distribution of the marks for each question is given.

4. Students are not allowed to bring in any statutes into the Examination Hall.

5. Please write all your answers in the Answer Booklet provided.

Part A: COMPULSORY

QUESTION 1

a) On January 2017, the Government of the State of JUNIHO in Africa, headed by Andrew Hash, was overthrown by an armed opposition group. This opposition group, held an election soon after gaining control of the country. They won by an overwhelming majority and a new government was installed, with George Abako assuming power as the President. During this interim transfer of power, there were complaints of human rights abuses against the minority Tutsi tribes in the state. The neighbouring state of ANTO, which was made up of largely Tutsi tribes, withdrew support to the newly installed government since it was friendly with the previous government. Andrew Hash a Tutsi started a rebellion against the newly formed government. The state of ANTO provided logistical support and weapons to the rebel group. The government of JUNIHO brought the matter up to the United Nations Security Council, accusing ANTO of interfering with internal affairs of its country.

The state of ANTO claimed that they were acting in self defence and that the armed forces had illegally entered its border in pursuit of the rebels.

With reference to the use of force in International Law, discuss the significant issues that may be raised by both parties at the Security Council of the United Nations with regard to the action of both parties.

(30 marks)

b) State and explain briefly, the fundamental pillars of the United Nation Charter on self-defense.

(10 marks)
(Total: 40 Marks)

SECTION B (Answer any three questions)

QUESTION 2

A British oil tanker was passing through the Straits of Malacca, when a group of armed men with automatic machine guns boarded the tanker and forced it to the high seas. A Thai naval boat chased and apprehended the tanker, which had by now, entered the Australian territorial sea.

Of the six armed men two were killed by Thai Naval Officers and the other four were taken aboard the Thai naval boat en route to Thailand to be tried in the Thai court. One of the crew was found dead allegedly killed by one of the armed men.

Analyse the various legal issues arising from the above episode, in relation to International Law.

(Total: 20 Marks)
Continued...

QUESTION 3

Joseph Ivanovic was the head of the state of SERVIO in Eastern Europe. During his reign, a British NGO group, accused him of not taking action against a wide spread massacre of a group called ATHOS which practiced atheism.

In four years, an estimated four hundred fifty thousand ATHOS members were killed or unaccounted for. A spokesman for the group based in the United States, asked the International Criminal Court to stop the pogrom and to take action against Joseph Ivanovic, for alleged genocide of his people.

With reference to above occurrences, discuss issues on crime against humanity and the development of the law by the International Law Commission as well as other statutory bodies.

(Total: 20 Marks)

QUESTION 4

The direct cause of war and violence is often attributed to dispute between States. It is therefore in the interest of peace and security that disputes should be settled.

Explain briefly the methods and procedures for the peaceful (pacific) settlement of disputes that have been made available under Article 38(1) of the Statute of the International Court of Justice.

(Total: 20 Marks)

QUESTION 5

International law limits the methods and means used to wage war. These restrictions apply to the type of weapons used, the way they are used and the general conduct of armed conflict.

Critically evaluate the law, with references to actual incidents of violation.

(Total 20 Marks)

End of Page